

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HAKAN YUCESoy, et al.,

No. C15-0262 EMC

Plaintiffs,

SUPPLEMENTAL BRIEFING ORDER

v.

UBER TECHNOLOGIES, INC., et al.,

Defendants.

Defendants have moved to compel individual arbitration of the Plaintiffs' claims in this action. Docket No. 62. According to an Uber declarant, Plaintiff Hakan Yucesoy allegedly assented to the arbitration provision on September 17, 2013. *See* Docket No. 63 at ¶ 15. In opposition, Plaintiff Hakan Yucesoy filed a declaration in which he states, under penalty of perjury, that he "know[s] I did not accept a Licensing Agreement with Uber in September 2013," because "I was out of the country in September 2013 and was not driving for Uber at that time." Docket No. 77-1 at ¶¶ 4-5. In order to try to prove this contention, Yucesoy provided photocopies of receipts which appear to indicate that he flew to Turkey on June 3, 2013. *Id.* at Ex. A. Yucesoy also submitted a photograph of one page of his passport, which he claims bears a passport stamp which indicates he arrived in Turkey on June 3, 2013.¹ *Id.* Yucesoy did not submit any proof as to when he *returned* to the United States, however, although in a different declaration Yucesoy admits that


¹ In a separate declaration Yucesoy filed with the Court, he stated that the only times he drove for Uber in 2013 were between March and "approximately July 2013," which statement is inconsistent with his later-filed declaration. Docket No. 72-2 at ¶ 2.

1 he returned to the United States at least by January 2014, when he claims he resumed driving for
2 Uber. Docket No. 72-2 at ¶ 2. Uber, however, has submitted a copy of what it claims is a police
3 report from the Boston Police Department indicating that Yucesoy was driving for Uber on October
4 5, 2013, when he got into a motor vehicle accident while transporting an Uber passenger. *See*
5 Docket 80-1; 80-5. The driver of the vehicle referenced in the police report, a “Mr. Yucesoy,
6 Hakan” was apparently transported to “Mass. General Hosp. for further treatment.” Docket No. 80-
7 5.

8 In light of this conflicting evidence, Yucesoy is hereby **ORDERED** to file a supplemental
9 declaration which states, under penalty of perjury: (1) precisely when he returned to the United
10 States after he flew to Turkey in June 2013; and (2) whether he was involved in the motor vehicle
11 accident on October 5, 2013, described in Uber’s declaration. Yucesoy shall also provide a
12 complete photocopy of his entire passport, including picture page (which copy may be filed under
13 seal), and any other appropriate supporting documentation as necessary, such as plane ticket
14 receipts, etc.... Yucesoy’s declaration may contain additional statements or context as necessary to
15 help the Court in its consideration of the issues. The declaration shall be filed with the Court no
16 later than **Thursday, July 30, 2015**.

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19 IT IS SO ORDERED.

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21 Dated: July 23, 2015

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EDWARD M. CHEN
United States District Judge